

**ENTERED**

November 02, 2023

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CURB PLANET, INC.

VS

WELLS FARGO BANK, N.A., *et al*§  
§  
§  
§  
§

CIVIL ACTION NO. H: 20-2233

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Pending before the Court in the above referenced proceeding is Defendant Wells Fargo Bank's Motion for Summary Judgment (Doc. No. 33); Response (Doc. 34); Reply (Doc. No. 35); and Magistrate Judge Sheldon's Memorandum and Recommendation (Doc. No. 36) that the Court grant in part and deny in part Defendant's Motion. Neither party filed objections to the Memorandum and Recommendation and the time for doing so has passed. Accordingly, It is hereby

**ORDERED** that the Memorandum and Recommendation (Doc. No. 35) is **ADOPTED**. Defendant Wells Fargo Bank's Motion for Summary Judgment (Doc. No. 33) is **GRANTED IN PART** and Plaintiff's claims for unjust enrichment, breach of fiduciary duty and conversion as to any checks deposited before March 13, 2017 are **dismissed**; and it is **denied** as to Plaintiff's conversion claims as to any checks deposited on or after March 13, 2017.

SIGNED at Houston, Texas, this 15<sup>th</sup> day of November 2023.

ANDREW S. HANEN  
UNITED STATES DISTRICT JUDGE